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ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

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WASHINGTON, D.C. 20544

November 29, 2002

MEMORANDUM TO ALL: UNITED STATES JUDGES
CIRCUIT EXECUTIVES
FEDERAL PUBLIC/COMMUNITY DEFENDERS
DISTRICT COURT EXECUTIVES
CLERKS, UNITED STATES COURTS
CHIEF PROBATION OFFICERS
CHIEF PRETRIAL SERVICES OFFICERS
SENIOR STAFF ATTORNEYS
CHIEF PREARGUMENT/CONFERENCE ATTORNEYS
BANKRUPTCY ADMINISTRATORS
CIRCUIT LIBRARIANS

SUBJECT: Amendments to the Rules of Practice and Procedure (**INFORMATION**)

Congress has taken no action on the amendments to the Federal Rules of Appellate, Bankruptcy, Civil, and Criminal Procedure, approved by the Supreme Court on April 29, 2002. Accordingly, the amendments to the rules will take effect on December 1, 2002, including:

- Appellate Rules 1, 4, 5, 21, 24, 25, 26, 26.1, 27, 28, 31, 32, 36, 41, 44, and 45, and new Form 6;
- Bankruptcy Rules 1004, 2004, 2015, 4004, 9014, and 9027, and new Rule 1004.1;
- Civil Rules 54, 58, and 81, and new Rule 7.1, and Rule C of Supplemental Rules for Certain Admiralty and Maritime Claims; and
- Criminal Rules 5, 5.1, 10, 12.2, 12.4, 26, 30, 35, and 43; the comprehensive style revision of Criminal Rules 1-60; and Criminal Rules 6 and 41 of the enacted USA Patriot Act of 2001 (Pub. L. No. 107-56). (Please be advised that Criminal Rules 6 and 16 were recently amended by legislation. Section 895 of the Homeland Security Act of 2002 (H.R. 5005) amends Criminal Rule 6(e) to, among other things, authorize the sharing of certain grand jury information with appropriate federal, state, local, or foreign officials. The Act, which was passed by Congress on November 19, 2002, has been presented to the President and will take effect 60 days after the date of enactment. Section 11019 of the 21st Century Department of Justice Appropriations Authorization Act (Pub. L. No. 107-273) restores two provisions of Criminal Rule 16 that had been inadvertently omitted from the amendments transmitted to Congress in April 2002. The restored provisions impose reciprocal obligations on the prosecution and the defendant, requiring each side to disclose their expert witnesses testimony on the defendant's mental condition bearing on the issue of guilt. The amendments to Criminal Rule 16 will take effect on December 1, 2002.)

The amendments were mailed to you in May 2002 as part of House Documents 107-203, 107-204, 107-205, and 107-206. In accordance with 28 U.S.C. § 2074(a) and the April 29, 2002, orders of the Supreme Court, the pertinent amendments will govern all proceedings commenced on or after December 1, 2002, and “insofar as just and practicable” all proceedings then pending. The text of the amended rules can be found on the judiciary’s Federal Rulemaking web site at <http://www.uscourts.gov/rules> . In addition, pamphlets containing the rules, as amended, will be sent to you as soon as they become available from the Government Printing Office.

If you have any questions concerning the status of these amendments please call Peter G. McCabe, Assistant Director, Office of Judges Programs at (202) 502-1800, or John K. Rabiej, Chief, Rules Committee Support Office at (202) 502-1820.

A handwritten signature in black ink, reading "Leonidas Ralph Mecham". The signature is written in a cursive, flowing style with a large, prominent "L" and "M".

Leonidas Ralph Mecham